

Message Text

SECRET

PAGE 01 NASSAU 00169 291958Z

63

ACTION DLOS-05

INFO OCT-01 ARA-06 EA-06 IO-10 ISO-00 CG-00 CIAE-00

DODE-00 PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01

RSC-01 PRS-01 SP-02 SS-15 USIA-06 CEQ-01 COA-01

COME-00 EB-07 EPA-01 NSF-01 OES-03 FEA-01 AEC-05

AGR-05 DOTE-00 FMC-01 INT-05 JUSE-00 OMB-01 ACDA-05

/109 W

----- 083897

R 291719Z JAN 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 6389

INFO USMISSION USUN NEW YORK

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SUMA BY POUCH

S E C R E T NASSAU 169

E. O. 11652: GDS

TAGS: PLOS BF

SUBJ: ARCHIPELAGO AND STRAITS NEGOTIATIONS WITH THE BAHAMAS

USUN PLEASE PASS AMBASSADOR STEVENSON

SUMMARY: US LOS TEAM MET WITH BAHAMIAN OFFICIALS AND LOS ADVISOR, 27 AND 28 JANUARY 1975 TO DISCUSS US SUPPORT OF ARCHIPELAGO CONCEPT APPLICATION TO BAHAMAS AND RECIPROCAL BAHAMIAN SUPPORT OF US STRAITS OBJECTIVES. AGREED RECORD OF DISCUSSIONS REFLECTS UNDERTAKING BY BOTH SIDES TO SUBMIT TO THEIR RESPECTIVE GOVERNMENTS PROPOSAL WHICH PROVIDES FOR MUTUAL COOPERATION TO ACHIEVE BOTH US STRAITS OBJECTIVES AND INCLUSION OF BAHAMAS IN ARCHIPELAGO CONCEPT. PRIVATE DISCUSSIONS INDICATED BAHAMIAN LOS TEAM HAS NO MAJOR POLICY PROBLEMS WITH US PROPOSAL BUT THAT PROPOSAL MUST BE SUBMITTED TO SECRET

SECRET

PAGE 02 NASSAU 00169 291958Z

CABINET FOR POLICY APPROVAL BEFORE COMMITMENT.

1. US LOS TEAM LED BY JOHN NORTON MOORE, DEPUTY SPECIAL REPRESENTATIVE OF THE PRESIDENT, AND INCLUDING MYRON NORDQUIST, EXECUTIVE ASSISTANT TO THE CHAIRMAN, NSC INTERAGENCY TASK FORCE ON LOS, ROBERT HODGSON, GEOGRAPHER, DEPARTMENT OF STATE, RADM MAX MORRIS, REPRESENTATIVE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR LOS, CAPTAIN GLENN YOUNG, SPECIAL ASSISTANT TO THE DEPUTY SECRETARY OF TRANSPORTATION FOR LOS, AND LCDR FRED DEROCHE, OFFICE OF THE SECRETARY OF DEFENSE, LAW OF THE SEA TASK FORCE, MET WITH BAHAMIAN OFFICIALS PAUL ADDERLEY, MINISTER OF EXTERNAL AFFAIRS, ORIS RUSSELL, PERMANENT SECRETARY, GEORGE STEWART, FIRST SECRETARY OF MINISTRY OF EXTAFF, AND BAHAMIAN LOS ADVISOR, PROFESSOR D. P. O'CONNELL, ON 27 AND 28 JANUARY TO DISCUSS ISSUES REGARDING ARCHIPELAGOS AND STRAITS USED FOR INTERNATIONAL NAVIGATION IN THE CONTEXT OF THE FORTHCOMING GENEVA SESSION OF THE LOS CONFERENCE. EMBASSY PERSONNEL INCLUDING AMBASSADOR WEISS, ROZANNE RIDGWAY AND WILLIAM SALISBURY PARTICIPATED IN THE TALKS.

2. THE ATMOSPHERE OF THE SESSIONS WAS CORDIAL AND COOPERATIVE. AN AGREED RECORD OF DISCUSSIONS CONTAINING THE SUBSTANCE OF THE CONVERSATIONS WAS PRODUCED. THIS RECORD INDICATED AGREEMENT TO SUBMIT TO GOVERNMENTS PROPOSAL WHICH INCLUDES MUTUAL SUPPORT FOR ARCHIPELAGIC PRINCIPLE APPLICABLE TO BAHAMAS, ARCHIPELAGIC PASSAGE REGIME THROUGH AND OVER ARCHIPELAGIC WATERS, AND UNIMPEDED TRANSIT OF STRAITS USED FOR INTERNATIONAL NAVIGATION. ONLY TECHNICAL QUESTIONS CONCERNING THE EXISTING REGIME OF INTERNAL WATERS, TREATY COMPATIBILITY, AND PROTECTION OF COMMERCIAL TELECOMMUNICATIONS CABLES REMAIN. THESE QUESTIONS DO NOT REFLECT MAJOR POLICY DIFFERENCES.

3. TREATY COMPATIBILITY QUESTION RELATES TO CONCERN RAISED BY PROFESSOR O'CONNELL ABOUT RELATIONSHIP BETWEEN OPERATING RIGHTS ARRANGEMENT WITH U.S. AND ARCHIPELAGIC STATE OBLIGATION TO REFRAIN FROM DISCRIMINATION IN FORM OR FACT AMONG FOREIGN SHIPS WHEN TEMPORARILY SUSPENDING RIGHT OF INNOCENT PASSAGE FOR SECURITY REASONS IN ARCHIPELAGIC WATERS OUTSIDE OF DESIGNATED SEALANES. QUESTION IS WHETHER BILATERAL AGREEMENT WITH U.S. PROVIDING OPERATING RIGHTS WOULD EITHER PREVENT UTILIZATION OF TEMPORARY SUSPENSION PROVISIONS OF MULTILATERAL LOS TREATY OR REQUIRE MFN TREATMENT ALSO AGAINST U.S. IN THE AREA OF TEMPORARY SUSPENSION.

SECRET

SECRET

PAGE 03 NASSAU 00169 291958Z

TION OF TEMPORARY SUSPENSION PROVISIONS OF MULTILATERAL LOS TREATY OR REQUIRE MFN TREATMENT ALSO AGAINST U.S. IN THE AREA OF TEMPORARY SUSPENSION.

4. INTERNAL WATERS QUESTION RELATES TO POINT THAT ARCHIPELAGIC PRINCIPLE NOT INTENDED TO ABOLISH TRADITIONALLY RECOGNIZED INTERNAL WATERS WITHIN ARCHIPELAGIC LINES. IN THIS CONNECTION, HODGSON POINTED TO RIVERS AND BAYS AS

EXAMPLES OF TRADITIONAL INTERNAL WATERS INTENDED TO BE PRESERVED. RELATED BAHAMIAN CONCERN ABOUT INNOCENT PASSAGE OUTSIDE OF SEALANES (SEE PAR 6) MAY STEM IN PART FROM O'CONNELL'S EXPANSIVE NOTION OF TRADITIONAL INTERNAL WATERS DEMARCATION PRINCIPLES AS APPLIED TO BAHAMAS.

5. AGREEMENT WAS REACHED AT LAST SESSION ON PROTECTION OF COMMERCIAL TELECOMMUNICATIONS CABLES IN ARCHIPELAGIC WATERS BUT THERE WAS NO OPPORTUNITY TO DRAFT APPROPRIATE LANGUAGE. ACCORDINGLY ISSUE INCLUDED IN FINAL CATCHALL PARAGRAPH OF TECHNICAL POINTS REMAINING.

6. PUBLICLY RUSSELL INDICATED THAT THE BAHAMIAN ACCEPTANCE OF THE US PROPOSAL WOULD BE BROUGHT BEFORE THE CABINET AT AN EARLY DATE. THE ISSUE OF INNOCENT PASSAGE OUTSIDE OF ARCHIPELAGIC LANES WAS FLAGGED AS THE POINT MOST LIKELY TO CAUSE CABINET CONCERN BECAUSE OF ITS RELATIONSHIP TO THE BAHAMIAN SMUGGLING PROBLEM. RUSSELL ALSO INDICATED THAT CONSULTATIONS WITH CUBA WOULD BE REQUIRED.

7. IN PRIVATE DISCUSSIONS, BAHAMIANS INDICATED THEY HAD MET WITH CUBANS (INFERENTIALLY DURING CARACAS SESSION OF LOS CONFERENCE) AND THAT CUBANS HAD INDICATED THEY FAVORED INCLUSION OF BAHAMAS WITHIN ARCHIPELAGO CONCEPT TO BE ESTABLISHED BY LOS TREATY IF FREE TRANSIT WERE ALSO GUARANTEED AND TRADITIONAL FISHING INTERESTS WERE ACCOMMODATED.

8. STEWART INDICATED PRIVATELY THAT ADDERLEY, STEWART AND O'CONNELL WOULD NOT BE IN GENEVA UNTIL MID-APRIL. IN DISCUSSING PROPOSED AGREEMENT HE EXPRESSED CONCERN ABOUT BAHAMAS APPEARING TO BE A "US LACKEY" AND OBSERVED THAT BAHAMAS WAS AT THRESHOLD OF DETERMINING WHETHER TO LOOK NORTH OR SOUTH FOR THEIR FUTURE. AT AMBASSADOR'S LUNCHEON AFTER CONCLUSION
SECRET

SECRET

PAGE 04 NASSAU 00169 291958Z

OF TALKS, STEWART PRIVATELY COMMENTED THAT US PROPOSAL WAS ACCEPTABLE BUT THAT NO PRECOMMITMENT COULD BE GIVEN BEFORE MINISTERS MET IN CABINET. IN HIS ASSESSMENT, MINISTERS WOULD ACCEPT US PROPOSAL.
WEISS

SECRET

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, POLICIES, NEGOTIATIONS, STRAITS, ARCHIPELAGOS, PROPOSALS (BID)
Control Number: n/a
Copy: SINGLE
Draft Date: 29 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NASSAU00169
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750033-0801
From: NASSAU
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750110/aaaaaixi.tel
Line Count: 159
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 18 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 JUN 2003 by KelleyW0>; APPROVED <31 OCT 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ARCHIPELAGO AND STRAITS NEGOTIATIONS WITH THE BAHAMAS USUN PLEASE PASS AMBASSADOR STEVENSON
TAGS: PLOS, BF, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006